

be spent for these activities during each of the six remaining years of the authorization period. In addition, we estimate that annual support for the two advisory commissions extended by Title II would cost the federal government a total of about \$20,000 annually beginning in fiscal year 1996.

Finally, costs to operate and maintain all of the new facilities authorized by the bill would be between \$0.1 million and \$0.2 million annually over the next five years, and would grow to about \$1.5 million annually once all development has been completed.

Other provisions of the bill would have no significant impact on federal spending.

For purposes of the above estimates, CBO assumed that H.R. 694 would be enacted by the end of fiscal year 1995 and that funding for all projects or activities would be appropriated as needed. All estimates are based on information provided by the NPS.

Enactment of this legislation would have no impact on the budgets of state or local governments.

Previous CBO Estimate. On February 23, 1995, CBO prepared a cost estimate for H.R. 694 as ordered reported by the House Committee on Resources on February 15, 1995. The estimated costs for provisions that are common to both bills are identical. The Senate version of the legislation, however, contains additional provisions that add \$13 million to \$14 million to one-time costs and up to \$0.5 million to annual expenses.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Deborah Reis, who can be reached at 226-2860.

Sincerely,

JUNE E. O'NEILL,
Director.●

ARMENIAN GENOCIDE

● Mr. LEVIN. Mr. President, Sunday, April 23, marked the commemoration of the 80th anniversary of the 1915-1923 genocide of the Armenian people.

In a world that seems to have gone mad with violent acts of manic individuals, from Oklahoma City to Tokyo, we must remember the victims of a government organized terror, the genocide perpetrated by the Turkish Ottoman Empire against the Armenian people.

Eighty years ago this week, the 8-year-long savagery against the Armenian people began.

Each year we remember and honor, the victims, and pay respects to the survivors we still are blessed to have in our midst.

We vow to remember, to always remember the attempt to eliminate the Armenian people from the face of the earth, not for what they had done as individuals, but because of who they were.

History records that the world stood by, although it knew. It knew.

Our Ambassador to the Ottoman Empire, Henry Morgenthau, telegraphed the following message to the American Secretary of State on July 16, 1915:

Deportation of and excesses against peaceful Armenians is increasing and from harrowing reports of eyewitnesses it appears that a campaign of race extermination is in progress under the pretext of reprisal against rebellion.

Later, when Ambassador Morgenthau wrote a book about his experiences, he wrote:

When the Turkish authorities gave the orders for these deportations, they were merely giving the death warrant to a whole race: they understood this well and in their conversations with me they made no particular attempt to conceal the fact.

I am confident that the whole history of the human race contains no such horrible episode as this. The great massacres and persecutions of the past seems almost insignificant when compared to the sufferings of the Armenian race in 1915.

Oh, there were a few voices, there were a few leaders like Winston Churchill who tried to warn us. Churchill wrote the following in 1929:

In 1915, the Turkish Government began and carried out the infamous general massacre and deportation of Armenians in Asia Minor . . . the clearance of the race from Asia Minor was about as complete as such an act, on a scale so great, could be. There is no reasonable doubt that this crime was planned and executed for political reasons.

But, for the most part, nations did not learn from history—the world looked away and genocidal horrors revisited the planet.

As Elie Weisel said, the Armenians "felt expelled from history."

Hitler counted on the world forgetting the Armenian genocide when he undertook the extermination of the Jewish people.

So the genocide we remember each April, the century's first genocide—is the genocide the world forgot, to its shame and for which it paid dearly.

Each year we vow that the incalculable horrors suffered by the Armenian people will still somehow not be in vain.

We make this solemn vow because we believe that it is within our power to confront evil in the world, and to prevent genocidal attacks on people because of who they are.

That is surely the highest tribute we can pay to the Armenian victims and how the horror and brutality of their deaths can be given redeeming meaning.●

THE 25TH ANNIVERSARY OF EARTH DAY

● Mr. SIMON. Mr. President, Saturday April 21, 1995 marked the 25th anniversary of Earth Day. Created in 1970 by former Wisconsin Senator Gaylord Nelson, Earth Day has played a major role in heightening the awareness of environmental problems in the United States. In the past 25 years, much progress has been made to protect the environment. Congress passed vital laws to clean up our air and water, and to prevent and reduce pollution. We also enacted the Endangered Species Act, which has helped to protect vital plant and animal species in danger of extinction. In addition, Americans have become dedicated recyclers—now collecting upward of 22 percent of our trash in over 6,600 communities. But much work remains to be done—par-

ticularly in the field of energy conservation.

The United States is in desperate need of a plan to conserve our energy supply. We are currently more dependent on foreign oil than we were in the 1973 crisis. Nearly one-half of the oil used in the United States is imported, and this has a significant adverse impact on the U.S. balance of trade. Alternative forms of fuel, such as solar energy, need to continue to be explored.

About 10 years ago, former Senator Charles "Mac" Mathias and I visited refugee housing in Nicosia, Cyprus, built 55 percent with American funds. Each house had a solar heating unit on it for hot water. If American taxpayers can help provide solar heating in Cyprus, why not in Carbondale, IL, and Bakersfield, CA. In 1981 my wife and I built a house and made it passive solar. In below-zero weather, we have the experience of a warm house during the daytime, with the furnace kicking on when the sun goes down. Clearly, we could do much more to encourage widespread use of solar energy.

For some years I have also been trying to promote greater research and use of electric cars. Automobile ownership is expected to increase worldwide by up to 50 percent in the next 20 years. If we do not take action, the environmental and energy problems that will result from the use of gasoline-powered cars will be monumental. The resulting air pollution and oil consumption will create problems that simply will be intractable. Widespread use of electric cars would go a long way toward resolving this problem.

I am pleased to report that we are making progress toward widespread use of electric cars. New rules have been adopted in California, New York, and Massachusetts that require 2 percent of the cars sold to be electric starting in 1998.

There is great interest in the electric car abroad. Japan wants to have 200,000 electric cars in use by the year 2000, and Europe will not be far behind. We must encourage U.S. auto companies in every way we can to produce electric cars so that the United States is on the cutting-edge of this technology. This type of conservation effort will be an investment that saves both dollars and energy resources for the future.

The question we need to face is whether we are doing what we should for future generations in environmental matters. Focusing on renewable and alternative energy sources is a good place to start.●

HONORING HARRY WEINROTH

● Mr. LIEBERMAN. Mr. President, I rise today to honor Mr. Harry Weinroth on the occasion of the 50th anniversary of his liberation from concentration camp, April 30, 1995. Mr. Weinroth was born in Sosnowiec, Poland. At the age of 13 he voluntarily entered a concentration camp so that his father

would not have to. Throughout the war he was held in several different camps including Buchenwald, Gross Rosen, and Dachau.

Mr. Weinroth lost both parents, grandparents, aunts, uncles, three brothers, and one sister in the camps. Only he and one sister survived, whom he found after the war in Germany. Mr. Weinroth along with his sister came to Stamford, CT, in June 1949. He came to this country with nothing but his trade, watchmaking, and promptly started a small business repairing watches. Over the years Bedford Jewelers has grown into a family retail jewelry store—he works there today with his wife, daughter, and son.

He still resides in Stamford, and is an active member in the community and his synagogue, Congregation Agudath Sholom. He married his wife, Luba, in 1952, whom he met at a displaced persons camp in Germany in 1948. They have two sons and a daughter, and three grandsons to carry on the family name. A 50th anniversary is worth celebrating, yet an anniversary that represents as much as this one should not and will not go unrecognized. I salute Mr. Weinroth for his courage and perseverance in the face of extreme hardship. •

COMMONSENSE PRODUCT LIABILITY AND LEGAL REFORM ACT

The Senate continued with the consideration of the bill.

AMENDMENT NO. 609 TO AMENDMENT NO. 603

(Purpose: To provide for full compensation for noneconomic losses in civil actions)

Mr. KYL. Mr. President, I ask unanimous consent that the amendment of the Senator from Maine, No. 608, be set aside so that I may offer an amendment which is at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the amendment. The assistant legislative clerk read as follows.

The Senator from Arizona [Mr. KYL] proposes an amendment numbered 609 to amendment No. 603:

The amendment is as follows:

At the appropriate place in the amendment insert the following new section:

SEC. . FAIR COMPENSATION FOR NONECONOMIC LOSSES AND PUNITIVE DAMAGES.

(a) FULL COMPENSATION FOR NONECONOMIC LOSSES. Notwithstanding any other provision of this Act, an attorney who represents, on a contingency fee basis, a claimant in a civil action in a Federal or State court may not charge, demand, receive, or collect for services rendered in connection with such action on any amount recovered by judgment or settlement under such action for noneconomic losses in excess of 25 percent of the first \$250,000 (or portion thereof) recovered, based on after-tax recovery.

(b) ATTORNEY FEES FOR PUNITIVE DAMAGES.—With respect to any award or settlement for punitive damages, an attorney's fee, if any, received by an attorney who represents, on a contingency fee basis, a claimant in a civil action in a Federal or State court shall be established by the court based

on the work performed by the attorney, and shall be ethical and reasonable. It shall be a rebuttable presumption that an ethical and reasonable attorney's fee in such an action is 25 percent of such award for punitive damages.

(c) CONTINGENCY FEE DEFINED.—As used in this section, the term "contingency fee" means any fee for professional legal services which is, in whole or in part, contingent upon the recovery of any amount of losses or damages, whether through judgment or settlement.

Mr. BROWN addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. BROWN. Mr. President, I rise to address the question of medical malpractice concerns, and I believe I speak for many Senators in expressing the strong hope that those States that have addressed this question will not have their limitations and their efforts to address this question overruled or overturned.

In 1986, Colorado enacted, or expanded, the following general tort reforms:

Certificate of merit—Requiring a certificate of merit to be filed at beginning of case that the plaintiff's attorney has consulted with a qualified expert who based on review of the facts find that the claim has merit or "does not lack substantial justification."

Noneconomic damages limit—Limiting noneconomic damages, for pain and suffering, loss of consortium, and so forth, to \$250,000. Colorado does allow a court to find "clear and convincing evidence" to justify an increase from \$250,000 to a maximum of \$500,000.

Collateral source—Reducing any damage award by the amount of payment by any collateral source which partially or wholly indemnifies or compensates the injured party for their injury. If the injured party purchased the coverage, the reduction is not made, for example personal disability insurance.

Punitive damage limit—Limiting punitive damages to equal actual damages—1 to 1 ratio between compensatory damages and punitive damages—but allowing the court to increase this to 3 times the compensatory damages for continued egregious behavior during pendency of the action. Evidence of the income or net worth of the defendant is not admissible.

Elimination of joint liability—Generally, Colorado eliminated joint liability for tort damages and further enhanced Colorado's comparative negligence system by which defendants are liable only for their pro-rata share of damages if the defendant's share is more than that due to the plaintiff's contributory negligence.

Good samaritan liability—Licensed physicians who render emergency assistance are not liable to a person injured unless they were grossly negligent or their conduct was willful and wanton.

Volunteer and nonprofit liability—Generally exempting volunteers and nonprofit organizations from liability,

except for willful and wanton misconduct or from liability in an automobile accident to the extent of insurance coverage under the Colorado No-Fault law.

In 1988, Colorado expanded upon these reform with the Health Care Availability Act. Colorado enacted these reforms to ensure the continued availability of health care, particularly prenatal and obstetrical care, in Colorado. In 1988, facing rapidly escalating malpractice premiums, many doctors were quitting or limiting their practices and Coloradoans, particularly in our rural areas, were facing reduced choice and availability in health care.

Under the Colorado Health Care Availability Act, these additional tort reforms were enacted for medical malpractice actions:

Periodic payment of judgments—Requires payment of future damages in excess of \$150,000 by periodic payment.

A cap of \$1 million on damages—Generally, Colorado now limits damages in a medical malpractice action to a present value of \$1 million, inclusive of the \$250,000 cap on noneconomic damages. In imposing the cap, the Colorado legislature made sure that money would be available to injured persons by imposing mandatory malpractice insurance coverage on doctors and hospitals.

Voluntary pre-treatment arbitration agreements—Allows a provider and patient to enter an agreement to arbitrate any dispute over the care before the care is rendered. The Health Care Availability Act sets forth several patient protections in regard to such agreements.

Qualifications of expert witnesses—Generally, the act requires that expert witnesses in a medical malpractice action be licensed in the same medical specialty as the defendant and familiar with the applicable standards of care at the time of the injury.

Punitive damages—Punitive damages against a health care provider cannot be claimed until after the substantial completion of discovery and the plaintiff can establish prima facie proof of fraud, malice or willful and wanton conduct.

Statutes of limitation—The general statute of limitations in Colorado for medical malpractice actions is 2 years from the date of injury, or the date the injury and its cause should reasonably have been known. The Health Care Availability Act reinstituted a "statute of repose" which bars any action for medical malpractice being brought more than 3 years after the date of treatment.

In 1991, the Colorado Supreme Court reviewed and upheld the constitutionality of these reforms in 1991.

The reforms have had their intended effect. Malpractice insurance premiums for most Colorado physicians have been reduced substantially, by 53 percent. For the average Colorado physician, their malpractice premiums